

CUSTOMER NO.: 24498
Serial No.: 10/552,025
Date of Final Office Action: 02/25/08
Response dated: 05/12/08

PATENT
PD030040

Remarks/Arguments

In the Final Office Action dated February 25, 2008, it is noted that claims 1-12 are pending; that objection has been raised with respect to claim 1; that claims 5 and 6 have been rejected under 35 U.S.C. §112; and that claims 1-12 stand rejected under either 35 U.S.C. §102 or 35 U.S.C. §103.

By this response, claims 1, 5, 6, 8, and 11 have been amended. These claims have been amended to clarify aspects of the present invention concerning the menu items and the storage medium. The amendments are believed to be proper and justified. No new matter has been added.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. Reconsideration of the present application is respectfully requested.

Amendment to the Claims

Claim 1 has been amended to include the phrase that "the first menu items are menu buttons" and to define the limitation of "decoding data corresponding to second menu items to non-selectable and visible display data." Support is derived from the entire specification particularly that portion related to Figure 1.

Claims 5 and 6 have been amended to call for "the storage medium." Only one storage medium is referenced in the specification. The sound, which is referenced by the sound identifier in the menu page composition segment in Table 1, is said to be stored in that storage medium as evidenced by the presence of the definite article on page 14, lines 1-6 of the specification.

Claims 8 and 11 have been amended to call the associated display positions of the first and second menu items comprising "a horizontal address and a vertical address." Support for these changes is found in Table 1 as well as on page 10, lines 30-32 and page 11, lines 20-28.

The amendments to the claims are believed to be proper and justified. All the pending claims are believed to be supported by the original application. No new matter has been added to the claims.

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Objection to Claim 1

Objection has been raised with respect to claim 1 with respect to the language on line 10 thereof. In view of the current amendment to claim 1 on line 10 as suggested in the present Office Action, it is submitted that the ground for objection has been obviated. Withdrawal of the objection is respectfully requested.

Rejection of Claims 5 and 6 under 35 U.S.C. §112

Claims 5 and 6 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In view of the clarifying amendment above to each of claims 5 and 6 as discussed above, it is submitted that both claims have sufficient antecedent basis for the terms utilized therein. Thus it is believed that the claims are definite and allowable under 35 U.S.C. §112. Withdrawal of this rejection is respectfully requested.

Cited Art

The following references have been cited and applied as prior art in the present Office Action: "Java™ GUI Development, The Authoritative Solution," by Vartan Piroumian, pages 12, 19, 225, 227-229, and 232 (Sams 1999) (hereinafter referenced as "Piroumian") and "jlGUI-Java Music Player," comprising one (1) web page at the cited address bearing a date of April 1, 2002 (hereinafter referenced as "jlGUP").

The cited pages of the Piroumian reference provided by the USPTO are quite disjointed and lack continuity and contiguity. As such, they do not provide sufficient surrounding context to make a full and complete analysis of the position stated in the Office Action. It is respectfully requested that, in the event further prosecution is based on this reference, the USPTO make available to Applicants' representative either the complete reference or at least a sufficiently complete portion of the reference around the cited pages.

Rejection of Claims 1-4 and 7-11 under 35 U.S.C. §102

Claims 1-4 and 7-11 stand rejected under 35 U.S.C. §102 as being anticipated by Piroumian. This rejection is respectfully traversed.

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In the present application, claim 1 is an independent method claim that serves as a base claim for claims 3-4 and 7-8. Claim 2 is an independent apparatus claim that includes limitations substantially similar to claim 1 and serves as an independent base claim for claims 9-11. For the sake of brevity and in view of the claim limitation similarities, the discussion below will focus on claim 1.

The present invention provides a new type of data object, and a corresponding flexible decoding method. This new type of data object allows combinations of visible, invisible, selectable, and non-selectable menu objects. As a particular advantage of the claimed subject matter, a menu including at least visible selectable and visible non-selectable objects, or even all the different types of menu objects, can be generated from a single data structure. That is, the menu objects, including visible, invisible, selectable and non-selectable objects, use the same data structure and decoder, which is not possible with the known prior art.

Piroumian does not show, "at least first data defining whether the menu item is selectable". At page 232 of Piroumian, *setEnabled* is defined as setting the enabled or disabled state of a button. But the enablement of a button is not construed as affecting the selectability of that button.

Piroumian does not show "non-selectable and visible display data, wherein the second menu items have graphic representation data associated". While the element *menu1.addSeparator()* identified in the Office Action appears to be non-selectable, it has no visible graphic representation data associated. The element *menu1.addSeparator()* is not shown in Figure 7.15, as posited in the present Office Action. Since it is used in Listing 7.8 on page 227, it is noted that the author explains on page 225 that "[l]isting 7.8 shows the source code for Figure 7.14." That is, the element *menu1.addSeparator()* is used for creating Menu 1 in Figure 7.14, and it has no relationship to Figure 7.15 as alleged in the Office Action. It should be noted that Figure 7-15 shows Menu 2 after the addition of some check boxes and radio buttons to the menu.

As best discernible from the brief excerpt of Piroumian provided by the USPTO with this Office Action, the purpose of the element *menu1.addSeparator()* appears to be to, "add a separator to separate the nested menu." See the top of page 227 in Piroumian. This would appear to mean that the element *menu1.addSeparator()* indicates to the code interpreter where to

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separate code of the higher level menu from code for the nested menu. It would then follow that the code interpreter uses the information to structure the menu. As such, the *menu1.addSeparator()* element does not in and of itself provide visible display data, as defined in the claims. It is believed that the style in which the nested menu appears on the screen, as shown exemplarily in Figure 7.14 of Piroumian, is usually pre-defined by some kind of operating system.

Finally, Piroumian does not show "selectable and invisible menu items", as defined in the claims. The *No-arg constructor* identified with the *JMenuItem()* construct in Piroumian on page 232 appears to generate "a menu item with no defined text or icon." There is no teaching or suggestion that the menu item so created is not visible. Instead, the *No-arg constructor* appears to create a menu item that does not display a specified icon or specified text or a combination of both specified text and a specified icon. That is, the menu item created by the *No-arg constructor* appears to be empty because it has neither icon nor text; but it is still a visible button.

In view of the remarks above, it is believed that Piroumian does not teach, show, or suggest all the limitations in independent base claims 1 and 2. It is submitted that Piroumian neither anticipates nor makes obvious independent claims 1 and 2 and the respective claims dependent thereon. Hence, it is believed that claims 1 and 2 and dependent claims 3-4 and 7-11 are allowable under 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

In addition to the reasons set forth above with respect to claim 1, it is noted that, with respect to claims 8 and 11, Piroumian fails to expressly teach that "the first and the second menu items have associated display positions comprising a horizontal address and a vertical address". Therefore, it is submitted that Piroumian neither anticipates nor makes obvious claims 8 and 11. Hence, for these additional reasons, it is believed that claims 8 and 11 are allowable under 35 U.S.C. §102 and 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 5, 6, and 12 under 35 U.S.C. §103

Claims 5, 6, and 12 stand rejected under 35 U.S.C. §103 as being unpatentable over Piroumian in view of jIGUI. This rejection is respectfully traversed.

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In the present application, claim 1 is an independent method claim that serves as a base claim for claims 5 and 6. Claim 2 is an independent apparatus claim that includes limitations substantially similar to claim 1 and serves as an independent base claim for claim 12.

The jlGUI reference appears to be a brief advertisement for a new release of the software, namely, version 2.1.1. It appears to document certain features of a Java music player. The present Office Action states that "jlGUI discloses a Java Applet, wherein sound data are associated to a state of a menu button, the sound data and the menu data segment being read from the same storage medium and being played back upon entry of the button into the associated state (pg. 1.)". But support for this assertion does not appear anywhere on this webpage. Moreover, the jlGUI reference fails to cure the deficiencies already noted above with respect to the independent base claims. As a result, neither Piroumian nor jlGUI, separately or in combination, appear to teach, show, or suggest all the elements in dependent claims 5, 6, and 12.

In view of the remarks above and the remarks concerning claims 1 and 2 in the prior section of this response, it is submitted that dependent claims 5, 6, and 12 would not have been obvious to a person skilled in the art upon a reading of Piroumian and jlGUI, either separately or in combination. Hence, it is believed that dependent claims 5, 6, and 12 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicant's attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

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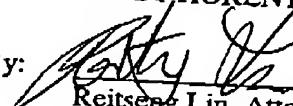
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In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 07-0832.

Respectfully submitted,

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